

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILED  
At Albuquerque NM

JUL 06 2018

United States of America

v.

Thang Nguyen

Case No.

18-MJ-2198

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 05 July 2018 in the county of Bernalillo in theDistrict of New Mexico, the defendant(s) violated:

Code Section

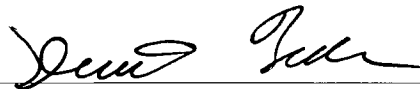
Offense Description

18 USC § 875(c)

Interstate Communication

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Daniel Fondse, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:


7/6/2018

City and state:

Albuquerque, NM

Judge's signature

Printed name and title

  
Laura Fashing, U.S. Magistrate  
Judge

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT; THANG NGUYEN**

I, Daniel Fondse, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND BACKGROUND OF THE AFFIANT**

1. I make this affidavit in support of the arrest of Thang Nguyen (year of birth 1995, SSN XXX-XX- 0730), for violation of 18 U.S.C. §875(c), which prohibits the transition in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another.
2. I am a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice. I have been so employed since May 2017. I am therefore authorized to investigate federal criminal offenses. I am currently a member of the Violent Crimes Squad of the Albuquerque Division of the FBI. I have received on the job training from other experienced agents and detectives in the investigations of violent crimes. Prior to joining the FBI, I spent three years as a sworn law enforcement officer of the San Diego Police Department. My investigative training and experience includes, but is not limited to, conducting surveillance, interviewing subjects, victims, and witnesses, writing affidavits for and executing search and arrest warrants, managing cooperating sources, issuing subpoenas, collecting evidence, and analyzing public records.
3. The statements contained in this affidavit are based upon my investigation, training and experience and information provided by other law enforcement officers or from other reliable sources. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish

probable cause to support a criminal complaint against Thang Nguyen, in violation of 18 USC § 875 (c).

**FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE**

4. On 07/05/2018, your affiant was notified by the Albuquerque Police Department (APD) of threatening posts made on Facebook by an account in the name of Thang Nguyen. An Albuquerque Police Officer provided your affiant with screen shots of the posts which included the following statements:

1. "Yo straight up Fuck my whole family find me my whole family nobody excluded f\*\*\* all y'all and your lives and your wives all of them y'all are a bunch of pathetic ass piece of s\*\*\* m\*\*\*\*\* and if I see any of y'all I'm a f\*\*\*\*\* stab you straight up I'm going to shoot you I'm going to do anything I can to put yall niggas in the ground"
2. "so don't let me see none of y'all I don't care where you're at or whether you're with your kids it don't matter it really don't matter anymore I'm telling you don't come near me because it ain't got to go well"
3. "if you're not wearing white and red at Cottonwood Mall I'm going to shoot all of you so you better wear those colors let's see how many people listen to the warning"
4. "Check Channel 13 News tonight at 2 p.m."
5. "I'm going to have the most fun I've had in my whole life dealing with these problems that I've had my whole life and I hope that you keep your chin held up high when I pick you up from about 40 ft 50 feet right now but I'm going to get nice and cozy I hear this window I'm going to pick you off and then I'm going to move on to

the next person to pick them up so I just want you to know you're about to send yourself"

6. "Travis and Adriana y'all first"

7. "Then Hadley and his family and a few of mine I got a list but I'm happy that I start here in the next 10 minutes"

8. "Once I'm done here then Here Comes Florida Florida"

9. "I told you I was coming"

10. "I also told you I wasn't afraid of the police and I could care less if they come because by the time they find me I'll be long gone told you"

11. "I'm not going to lie that gave me a Head Rush started sweating a little bit but I did it,"

5. On 07/05/2018, Thang Nguyen was detained by Albuquerque Police and interviewed by law enforcement officers. Nguyen stated he made the posts because he was angry with his brother Dai and family. Nguyen stated that the post about shooting up Cottonwood Mall was a prank. Further, according to Nguyen, other posts were a cry for help to illicit attention from his family.

6. On 07/05/2018, Hadley K. contacted APD to report they were threatened by Thang Nguyen on Facebook. Hadley K. provided a written statement summarizing their relationship with Thang, including attempts to help Thang. In a recent argument on an online forum Thang told Hadley K. that he would "See me on the street," which Hadley K. interpreted as a threat. On 07/05/2018 Thang made an additional threat against Hadley K. and his family. Hadley K. stated he and his family were in fear for their safety.

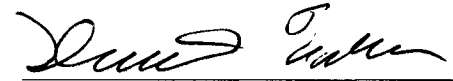
7. Your affiant viewed the profile picture for the Facebook page in the name of Thang Nguyen, from which the threats were made. The profile picture appeared visually similar to the New Mexico Driver's License photo of Thang Nguyen, the subject of this affidavit.

8. On 07/05/2018, your affiant conducted an open source internet search and found that Facebook has multiple data centers around the world with a primary data center in Prineville, Oregon. Based on the fact that Facebook is an internet based entity and due to the fact that data centers are located around the world, your affiant believes that there is probable cause that the Facebook posts made by Thang Nguyen was conducted via interstate communication.

9. Based on the aforementioned facts, your affiant respectfully submits, that on 07/05/2018, Thang Nguyen did transmit in interstate or foreign commerce a communication containing a threat to injure the person of another, specifically to shoot people at the Cottonwood Mall, as well as to pick off Travis LNU, Adriana LNU, and Hadley K. and his family, in violation of Title 18 United States Code, Section 875(c). This violation occurred in the District of New Mexico.

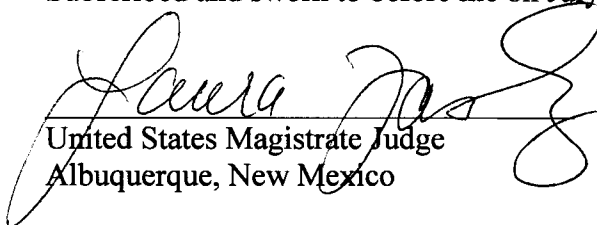
10. This affidavit for criminal complaint has been reviewed and approved by Supervisory Assistant United States Attorney Jack Burkhead.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Daniel Fondse  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me on July 06, 2018:



United States Magistrate Judge  
Albuquerque, New Mexico